

## ARTICLE 1. GENERAL

### **R9-6-103. Disclosure of Communicable Disease-Related Information to a Good Samaritan**

#### **A. In this Section, unless otherwise specified, the following definitions apply:**

1. “Affidavit” means a declaration or statement of facts that is made in writing and under oath.
2. “Assisted person” means the individual with whom a Good Samaritan alleges interaction constituting a significant exposure risk.
3. “Available” means in the possession of or accessible by the Designated Officer who is reviewing a disclosure request.
4. “Communicable disease-related information” has the same meaning as in A.R.S. § 36-661.
5. “Designated Officer” means an individual appointed by the Director or a local health officer, to:
  - a. Review a disclosure request from a Good Samaritan;
  - b. Determine whether disclosure of communicable disease-related information is required under A.R.S. § 36-664(E) and this Section; and
  - c. Respond to the Good Samaritan.
6. “Director” has the same meaning as in A.R.S. § 36-101.
7. “Disclosure request” means the information submitted by a Good Samaritan according to A.R.S. § 36-664(E) and subsection (C).
8. “Emergency care or assistance” means actions performed by an individual on or for another individual, which are necessary to prevent death or impairment of the health of the other individual.
9. “Emergency department” has the same meaning as in A.A.C. R9-11-101.
10. “Good Samaritan” has the same meaning as in A.R.S. § 36-661.
11. “In writing” means:
  - a. An original document,
  - b. A photocopy,
  - c. A facsimile, or
  - d. An electronic mail message.
12. “Medical consultation” means discussion between a Good Samaritan and:
  - a. A physician working in an emergency department or urgent care unit;
  - b. An occupational health provider as defined in A.A.C. R9-6-801; or

- c. Any other individual knowledgeable in determining circumstances when post-exposure prophylaxis is necessary.
- 13. “Mucous membrane” means a thin, pliable layer of tissue that lines passageways and cavities in the human body that lead to the outside, such as the mouth, gastrointestinal tract, nose, vagina, and urethra.
- 14. “Notarized” means signed and dated by a notary.
- 15. “Notary” means any individual authorized to perform the acts specified under A.R.S. § 41-313.
- 16. “Post-exposure prophylaxis” means treatment provided to an individual who may have been exposed to a communicable disease, which is intended to prevent infection of the individual.
- 17. “Significant exposure risk” has the same meaning as in A.R.S. § 36-661.
- 18. “Under oath” means a sworn statement made by a Good Samaritan to a notary under the penalty of perjury.
- 19. “Urgent care unit” has the same meaning as in A.A.C. R9-11-201.
- B.** A significant exposure risk may occur when a Good Samaritan’s interaction with an individual results in:
  - 1. A transfer of blood or body fluids from the individual onto the mucous membranes or into breaks in the skin of the Good Samaritan; or
  - 2. A sharing of airspace between the Good Samaritan and the individual.
- C.** If a Good Samaritan submits a disclosure request to the Department or a local health agency, the disclosure request shall include:
  - 1. A statement in writing that the Good Samaritan is requesting communicable disease-related information for an assisted person as allowed for under A.R.S. § 36-664(E);
  - 2. Documentation concerning the accident, fire, or other life-threatening situation, in which the Good Samaritan rendered emergency care or assistance; and
  - 3. A notarized affidavit that contains:
    - a. The Good Samaritan’s name;
    - b. The Good Samaritan’s mailing address;
    - c. The telephone number at which the Good Samaritan may be reached during a working day;
    - d. A description of the:
      - i. Emergency care or assistance rendered by the Good Samaritan at the accident, fire, or other life-threatening emergency; and

- [illegible]

- v. Measures to reduce the likelihood of transmitting the agent to others and that it is necessary to continue the measures until a negative test result is obtained after the average window period has passed or until an infection, if detected, is eliminated;
    - vi. That it is necessary to notify others that they may be or may have been exposed to the agent through interaction with the Good Samaritan; and
    - vii. The availability of assistance from the Department, local health agencies, or other resources;
  - c. A statement that disclosure of communicable disease-related information for one communicable disease does not rule out the possibility that the Good Samaritan was exposed to other communicable diseases about which information is not available to the Designated Officer; and
  - d. A statement that the confidentiality of the disclosed communicable disease-related information is protected by A.R.S. § 36-666(A)(2) and other state law;
2. If the Designated Officer determines that the information provided as specified in subsection (C) indicates a significant exposure risk to the Good Samaritan, but the Designated Officer is unable to provide communicable disease-related information for the assisted person, provide in writing to the Good Samaritan:
- a. A statement that:
    - i. Communicable disease-related information, pertaining to the specific communicable disease or diseases that may be transmitted through the interaction between the Good Samaritan and the assisted person, is not available to the Designated Officer; or
    - ii. The Designated Officer is unable to identify the assisted person from the information submitted in the Good Samaritan's disclosure request, as specified in subsection (C); and
  - b. A statement that:
    - i. The Good Samaritan's interaction with the assisted person may pose a significant exposure risk to the Good Samaritan; and
    - ii. The Good Samaritan has the ability to seek medical consultation on the need for post-exposure prophylaxis; and
3. If the Designated Officer determines that the information provided as specified in subsection (C) does not indicate a significant exposure risk to the Good Samaritan, provide in writing to the Good Samaritan:

- a. A statement that the Designated Officer will not disclose to the Good Samaritan any available communicable disease-related information for the assisted person;
- b. The Designated Officer's reasons for not disclosing communicable disease-related information to the Good Samaritan, and
- c. A statement that:
  - i. The Designated Officer's decision not to disclose communicable disease-related information is based on A.R.S. § 36-664(E); and
  - ii. The Good Samaritan has the right to request a hearing as specified in A.R.S. § 41-1092.03(B).